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### REMARKS

The Office Action rejects claims 1-9 and 18-24 under 35 U.S.C. 112, second paragraph citing that the "method or steps by which the 'acceptable' layout dimension is determined is vague and indefinite."

Claims 3, 4, 5, 9, 18 and 24 were rejected under 35 U.S.C. 112, second paragraph citing improper antecedents and vague terms.

Claims 18-24 were rejected under 35 U.S.C. 103(a) citing Koh, in view of U.S. patent no. 5,963, 788 to Barron et al. (Barron) and further in view of U.S. patent no. 6,103,399 to Smela et al. (Smela).

Claim 1 is amended herein to specify what factors are "evaluated" to result in acceptable layout dimensions suitable for a "satisfactory" photolithographic process, thereby making the claim definite. No new matter is added as from page 5, lines 1-3, describe evaluating the dimensions, and lines 5- 13, "satisfactory" processing results are discussed, and lines 21-24, state that "standard photolithography steps (may be) carried out without concern whether or not adequate exposure of the film occurs..." This is also a reference to "satisfactory" photolithographic results on a structure processed as described within the present application. The changing of layout dimensions to acceptable layout dimensions is discussed on page 8, lines 4-15. The dimensions, as described in the original application, may be calculated or measured, techniques for both of which are well known in the art.

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The antecedent and vague rejections for claims 3, 4, 5, 9, 18 and 24 are corrected by this amendment.

The Office Action rejects only claim 1 under 35 U.S.C. 102(b) citing Olsen. Olsen contributes planarization techniques to the "Handbook of Multilevel Metalization for Integrated Circuits," published in 1993 by Noyes Publications. Present claim 1 details process specifics which are evaluated for given photographic, photoresist, and conformal coating processes, and where "acceptable" layout dimensions can be gleaned therefrom. The "acceptable" layout dimensions are then used in a feedback way for forming a compliant, non-flat topology. Olsen certainly describes the polarization techniques, but in Olsen there is no evaluation or specific calculation of known parameters of the photographic/mechanical/chemical system that then dictate the layout dimensions.

Claims 1-17 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. patent no. 5,674,773 to Koh et al. (Koh). Koh is applied in the Office Action where the DOF (depth of focus) is considered and the layout changed to facilitate planarization in the prior art described by Koh with respect to Koh's FIG. 2. It is respectfully pointed out that the Planarization Block Mask (PBM) layer 13 (using Koh's labels) entails adding the PBM only to even out the structure. Koh with respect to FIG. 2 accepts some structure with severe vertical heights and adds additional structures to even out the heights, there no evaluation with respect to the equipment and processes to be used to determine if planarization is required. Even if Koh is assumed to evaluate the structure with respect to the equipment and layering processes being used, adding a component for planarization

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is not equivalent to rearranging the layout dimensions, as in present claim 1, to accommodate the equipment and processes. Claim 1, as now amended, does not add a structure to even out the topology, it changes the relative layout dimensions of what ever structure is being formed to accommodate the photographic system and the process mechanical/chemical parameters so that a satisfactory structure emerges. Koh does not anticipate or suggest a layout feedback technique that changes layout dimensions to address excessive vertical heights.

The Office Action continues, on page 8, paragraph 8, describes Koh's global planarization pattern (46), with a high step-height, as a layout change in the sense of claim 1 as amended in the present application. This assertion is respectfully traversed. Koh's Item 46 is a dielectric material which exhibits etch selectivity, col. 8, lines 1-26. So this layer may help planarization, but it does not anticipate the present claims as amended. The present claims include evaluating to determine satisfactory dimensions of an acceptable layout complying with the satisfactory dimensions. Page 8, lines 4-15 of the original application describes changing the x-y layout dimensions (that is the horizontal positions on a chip surface of structures that form the cavity) of a cavity to provide acceptable dimensions - a selectively etched layer is not an x-y layout dimension.

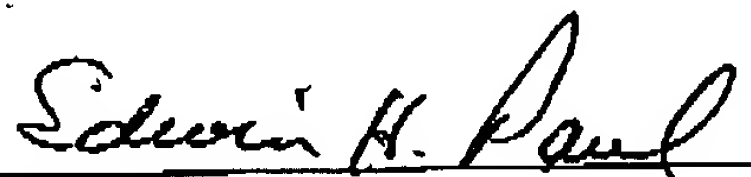
Claims 18-24 were rejected under 35 U.S.C. 103(a) citing Koh, but as illustrated above, Koh does not change the layout dimensions to accommodate for the equipment, photoresist, conformal coatings or filler. Since Koh does not teach changing layout dimensions to form an acceptable layout with respect to the equipment, photoresist, con-

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formal coating and filler. With these elements missing from Koh, the addition of Barron and Smela does not help. Claims 18-24 as amended are allowable.

Please charge any additional fee occasioned by this paper to our Deposit Account  
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Respectfully submitted,



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